

NO. 744

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CHARLES ELMORE CROLEY  
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**In the Supreme Court of the United States**

**OCTOBER TERM, 1951**

**THE YOUNGSTOWN SHEET AND TUBE COMPANY,  
ET AL., *Petitioners***

**V.**

**CHARLES SAWYER**

**On Petition for a Writ of Certiorari to the United States Court  
of Appeals for the District of Columbia Circuit**

**MEMORANDUM ON BEHALF OF RESPONDENT**

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v.

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## MEMORANDUM ON BEHALF OF RESPONDENT

Respondent has filed a petition for certiorari in this case seeking review of the same judgments which petitioners here seek to review. No. 745, October Term, 1951. Accordingly, respondent has no objection to the granting of the present petition.

We have annexed to our petition in No. 745 an application for continuance of the stay heretofore granted by the Court of Appeals. We there point out that in the event the writ is granted, a further stay by this Court will be necessary. The

plaintiffs (petitioners here) argue at some length (pp. 9-14) that in the event this Court should continue the stay granted by the Court of Appeals, it should modify its terms so as to include an injunction against the Secretary of Commerce restraining him from putting into effect any changes in the terms and conditions of employment.

We are informed that Mr. Philip Murray, president of the United Steel Workers of America, C.I.O., has this morning ordered the steel workers back to work, and that the workers are returning to work. Accordingly, it would appear that the interruption of vitally needed steel production, which was averted by the President's Executive Order but which then began immediately after the filing of Judge Pine's opinion, is over and production is being resumed. Any change in the nature of the stay now in effect would probably result in a new crisis, with danger of still another interruption. Accordingly, we earnestly urge that the stay granted by the Court of Appeals be continued without change by this Court. ;

We wish to point out that plaintiffs are renewing an attempt which was unsuccessful in both courts below. In the District Court, the United States Steel Corporation orally amended its application for a preliminary injunction so as to request merely an injunction restraining the Secretary of Commerce from making any changes in the terms and conditions of employment, without

at that time nullifying the seizure or passing upon its validity. That request was rejected by the District Court. On the afternoon of April 30, 1952, an application for stay was presented to the Court of Appeals *en banc* by the defendant in these cases and the matter was argued for several hours. During the course of the argument, it was vigorously urged by several of counsel for the plaintiffs that if any stay were issued the order should restrain the Secretary of Commerce from putting into effect changes in terms and conditions of employment. Any such limitation was opposed by counsel for the defendant and the court entered a stay order which contained no such limitation. On the morning of May 1, 1952, counsel for the plaintiffs presented a further application requesting such a modification of the stay issued the previous evening. The matter was again argued, most extensively, before the entire court *en banc* and the proposed modification of the stay was denied.

In the event that any departure from the terms of stay approved by the Court of Appeals should be considered by this Court, we request the privilege of a hearing.

Respectfully submitted,

PHILIP B. PERLMAN,  
*Solicitor General.*

MAY, 1952.